"Exhibit B"

PORTAGE COUNTY CONSTRUCTION SITE SEDIMENT, EROSION CONTROL, AND STORM WATER MANAGEMENT RULES

(Resolution No. 19-XXXX)

RECITALS

Flooding and streambank erosion in PORTAGE COUNTY are a significant threat to public health and safety and public and private property, and storm water quantity control slows runoff and reduces its erosive force, and flood damage.

Insufficient control of storm water quantity can result in significant damage to receiving water resources, impairing the capacity of these resources to sustain aquatic systems and their associated aquatic life use designations.

Soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; endangers water resources by reducing water quality; and causes the siltation of aquatic habitat.

There is a regional effort to reduce the flooding, erosion and sedimentation within various watersheds and PORTAGE COUNTY and to protect and enhance the water resources of PORTAGE COUNTY, and PORTAGE COUNTY recognizes its obligation as a part of a watershed and the region to reduce flooding and erosion and to protect water quality by controlling runoff within its borders.

PORTAGE COUNTY has experienced and continues to experience significant costs associated with inadequate erosion and sediment control including legal fees, engineering services, and increased state and federal regulation.

To promote public health and safety and sound economic development in PORTAGE COUNTY, it is important to provide homebuilders, developers, and landowners with consistent, technically feasible, and operationally practical standards for storm water management and soil erosion and sediment control.

Title 40 Code of Federal Regulations (C.F.R.) Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities, including PORTAGE COUNTY, to develop a Storm Water Management Program to address among other components, erosion, sedimentation, and the quality of storm water runoff during and after soil disturbing activities.

I. PURPOSE

The intent of these rules is to establish consistent technically feasible and operationally practical standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage

to public and private property and the degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of PORTAGE COUNTY.

A. These rules further intend, without limitation, to:

1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.

2. Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities.

3. Control storm water runoff resulting from soil disturbing activities.

4. Assure that development site owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.

5. Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems.

6. Preserve to the maximum extent practicable natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.

7. Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.

8. Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.

9. Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate soil erosion, sediment and storm water control.

10. Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water, erosion and sediment control.

11. Require the construction of storm water management practices that serve multiple purposes including flood control, soil erosion and sediment control, and require water quality protection; and encourage such practices that promote recreation and habitat preservation.

12. Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained.

II. DISCLAIMER OF LIABILITY

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

III. CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

A. Where these rules impose a greater restriction upon land than is imposed or required by other PORTAGE COUNTY regulations, the provisions of these rules shall prevail.

B. Any reference in these rules to the Ohio Revised Code or to other rules or laws, whether federal, state, or local, shall be construed to be a reference to the most recent enactment of such statute, law or rule, and such shall include any amendments as may from time to time be adopted.

C. If a court of competent jurisdiction declares any clause, section, or provision of these rules invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

D. These rules shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of these rules shall not be a defense in any action to abate such nuisance.

E. Failure of PORTAGE COUNTY to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in PORTAGE COUNTY, its officers, employees, or agents being responsible for any condition or damage resulting there from.

IV. EFFECTIVE DATE

Effective date: Res. 09-0836 January 1, 2010; Res. 19-___ [adoption date + 31 days].

V. SCOPE

These rules apply to all developments, unless specifically exempted, that have a larger common plan of development equal to or larger than one (1) acre in size of disturbed area.

These rules do not apply to:

1. Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.

2. Coal surface mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.

3. Other surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.

VI. STORM WATER POLLUTION PREVENTION PLAN

In order to control storm water damage and pollution of water resources, wetlands, riparian areas, and other natural areas, the owner of each development area shall be responsible for developing a comprehensive Storm Water Pollution Prevention Plan (SWP3). The SWP3 must address all minimum components of the current Ohio EPA NPDES Construction General Permit and conform to the specifications of the current edition of the Ohio Rain Water and Land Development Manual. The SWP3 must make use of the practices that preserve the existing natural condition to the maximum extent practicable.

A. Narrative Description of Site
    1. A description of the nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.).

    2. A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).

    3. A description of the prior land uses of the site.

    4. An estimate of the impervious area and percent imperviousness created by the construction activity.

    5. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.

    6. All pertinent permit information, including but not limited to NPDES and wetland permit numbers.

    7. A description of the overall erosion and sediment control and water quality scheme for the site.

B. Vicinity Map: Location map showing the larger common plan of development or sale in relation to surrounding area. Include location of receiving streams, wetlands and other surface waters.

C. Clearing Limits & Grading Plan: Indicate limits and show acreage of earth disturbing activity, including excavations, filling, grading, and clearing of all areas and sublots. The entire sublot area shall be included. Show all borrow, spoil, and topsoil stockpile areas. Include existing and proposed topography shown in one (1) foot contours. Delineate drainage watersheds before, during and after major grading activities indicating the acreage of each area. Drainage maps for both pre-construction and post-construction conditions must also include flow paths used to determine time of concentration.

D. Existing Development: Show locations of all prior land uses, existing and proposed buildings, roads, utilities, parking facilities, etc.

E. Natural Feature & Surface Water Location: All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:

1. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the applicant is seeking approval from the US Army Corps of Engineers and/or Ohio EPA. Wetland permit number(s) must be indicated on the cover page of the engineering drawings.

2. Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank). The wetland class, as determined by the Ohio Rapid Assessment Method (ORAM), must be included.

3. Conservation Easements.

4. Other sensitive natural features including, but not limited to, steep slopes and designated naturals areas.

F. Soils Information: The types of soils within, or affected by, the development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the Natural Resources Conservation Service (NRCS) soil survey of the county. An onsite, detailed Soils Engineering Report must be included if required by the Portage County Board of Commissioners and/or the Portage County Combined General Health District.

G. Storm Water Runoff Considerations: Show the pre- and post-construction runoff coefficients including information such as the method used to calculate runoff. Include a narrative describing post-construction storm water management BMPs, the rationale for their selection, and long-term maintenance provisions. Refer to Ohio EPA NPDES Construction General Permit.

H. Best Management Practices (BMPs): Show locations of all structural and non-structural erosion and sediment control, storm water management and post-construction water quality best management practices (BMPs). All structural and nonstructural BMPs must be drawn to scale. The size, detail drawings, maintenance requirements and design calculations for all BMPs shall also be included. Settling ponds will be identified with basic dimensions and the calculations for size and volume. Refer to the Ohio Rainwater and Land Development Manual for BMP specifications.

I. Critical Storm Requirement: A critical storm method for the reduction of peak runoff rates shall be employed according to these guidelines.

1. Storm water runoff estimations and calculations for pre- and post-development peak discharges shall be calculated using the U.S. Soil Conservation Services TR-55 method or other method approved by the County Engineer.

2. In order to control water pollution by soil sediment from accelerated stream channel erosion and flood plain erosion caused by accelerated storm water runoff from development areas, the peak rates of runoff from an area after development may be no greater than the peak rates of runoff from the same area before development for all twenty-four hour storms from one to one hundred year frequency. Design and development to match the peak rate of runoff for the one, two, five, ten, twenty-five, fifty and one hundred year storms may be considered adequate to meet this requirement. If an increase in volume is expected after development, peak rates of

runoff must be reduced. Reduce rates of critical storm and all more frequent storms to one-year 24-hour frequency. Less frequent storms shall have peak runoff rates no greater than predevelopment peak runoff rates.

The critical storm for a specific development area is determined as follows: Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development. Then determine the percent of increase in volume of runoff due to development and using this percentage, select the critical storm from table below.

Critical Storm Table

If the Percentage Increase in Volume of Runoff is equal to or greater than	And less than	The 24-hour "Critical Storm" for Discharge Limitation will be
0	10	1 Year
10	20	2 Year
20	50	5 Year
50	100	10 Year
100	250	25 Year
250	500	50 Year
500	--------	100 Year

J. Schedule of Construction Activity: An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the installation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence.

K. Off-Site Sediment Tracking: Minimize such tracking of sediments by vehicles by using gravel construction entrances and regularly-scheduled street sweeping when necessary. Show location of construction entrances and maintenance schedules for sweeping, if applicable.

L. Individual Lots: For developments where the overall plan does not call for centralized sediment control capable of controlling multiple individual lots, a detail drawing of a project specific typical individual lot showing standard individual lot soil erosion and sediment control practices and the sequence and timing of BMP installation for the individual lots. This does not remove or eliminate the responsibility to designate and install specific soil erosion and sediment control practices for the storm water discharges.

M. Maintenance & Inspections: For the construction phase of the development, include maintenance inspection requirements and schedules for all BMPs. For the post-construction phase of the development, include long-term maintenance requirements, appropriate legal agreements and/or easements, and schedules of all BMPs.

N. Post-Construction Storm Water Quality: All sites two (2) or more acres in size must provide both structural and non-structural approved BMPs for water quality that capture and treat the Water Quality Volume. Sites between one (1) and two (2) acres may employ alternative practices with individual approval from the Ohio EPA. Refer to Ohio EPA NPDES Construction General Permit for design methodology and list of approved practices. There can be no direct discharge of storm water from the site.

1. The post-construction storm water quality component of the SWP3 must also include a long-term maintenance agreement, maintenance schedule, responsible party, and a funding mechanism to ensure the long-term function of the water quality structures, easements, and practices.

2. Exemptions: Projects identified as exempt in Part III.G.2.e of the Ohio EPA NPDES Construction General Permit shall not need to comply with Post-Construction Storm Water Quality requirements.

3. Off-site Mitigation: Post-Construction Storm Water Quality requirements may be satisfied through off-site mitigation per Part III.G.2.e of the Ohio EPA NPDES Construction General Permit with the following additional conditions:
    a. Mitigation must be provided within Portage County, Ohio.
    b. Modifications to an existing storm water control facility shall not reduce flood control benefits provided by the facility for rainfall events of all recurrence intervals up to and including the 100-year event.

O. Compliance With Other Rules & Regulations:

1. NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits, issued by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The SWP3 shall be completed and submitted prior to the submittal of Notice of Intent (NOI) to the Ohio EPA.

2. Federal And State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated on the entire site by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs must be submitted with the SWP3.
   Proof of compliance shall be, but is not limited to, the following:
    a. A copy of the permit(s), if required for the project, showing project approval and any restrictions that apply to site activities; **or**
    b. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable permit; **or**
    c. A letter from the applicant verifying that a qualified professional has surveyed the site and found no wetlands or other waters of the United States; **or**
    d. A letter of "no impact", or equivalent, from the permitting agency.

3. Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof must be submitted with the SWP3.

VII. PERFORMANCE STANDARDS

The SWP3 must contain a description, location and sequence of all BMPs for each construction operation. Within seven (7) days of the start of clearing and grubbing the applicant must implement such controls. All BMPs must meet the criteria in the current Ohio EPA Construction General Permit, and the Ohio Rainwater and Land Development Manual, or other standards acceptable to the Ohio EPA.

No project subject to this regulation shall commence without a SWP3 approved by the Portage County Board of Commissioners.

No project subject to these rules shall commence without a pre-construction meeting being held with the Portage County Board of Commissioners. It is the responsibility of the developer or landowner to contact the Portage County Board of Commissioners to arrange this meeting.

The controls shall include the following minimum components:

A. DURING ACTIVE CONSTRUCTION

1. NON-STRUCTURAL PRESERVATION MEASURES: The applicant must make use of practices that preserve the existing natural conditions to the maximum extent practicable. Such practices may include: maintaining wetland and riparian setbacks, preserving existing vegetation and vegetative buffer strips, phasing of construction operations to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing and grubbing practices.

2. EROSION CONTROL PRACTICES: The applicant must make use of erosion controls that are capable of providing cover over disturbed soils. A description of practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction activities, and alternative groundcover.

3. SEDIMENT CONTROL PRACTICES: The applicant must install structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than fourteen (14) days. Control practices shall be installed prior to grading and within seven (7) days from the start of grubbing. Practices may include, among others: sediment settling ponds, sediment barriers, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment

control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.

4. RUNOFF CONTROL PRACTICES: The applicant must make use of measures that control the flow of runoff from disturbed areas and steep slopes so as to prevent erosion. Such practices may include: rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices that incorporate ground water infiltration.

5. NON-SEDIMENT POLLUTANT CONTROLS: The applicant must implement appropriate BMPs to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands. No solid or liquid waste, including building materials, shall be discharged in storm water runoff.

6. TRENCH AND GROUND WATER CONTROL: There shall be no sediment-laden discharges to water resources or wetlands resulting from dewatering activities. If trench or groundwater contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device prior to being discharged from the construction site. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

7. COMPLIANCE WITH OTHER REQUIREMENTS: The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or home sewage treatment system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.

8. INTERNAL INSPECTIONS: All controls must be inspected by the applicant or a qualified agent of the applicant at least once every seven (7) calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. The purpose of the inspection is to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Inspection logs must be maintained according to the current Ohio EPA NPDES Construction General Permit, and must be made available upon request.

9. MAINTENANCE: The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their function until final stabilization.

   When inspections reveal the need for repair, replacement or installation of erosion and sediment control BMPs, the following procedures shall be followed:

   a. <u>When practices require repair or maintenance:</u> If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

b. When practices fail to provide their intended function: If an inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3, and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
c. When practices depicted on the SWP3 are not installed: If an inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

10. PRE-WINTER STABILIZATION: If the development area will, or is planned to, remain active through the winter months, the owner of the development area shall hold a Pre-Winter Stabilization Meeting. The meeting will be held before October 1st. The applicant shall invite the operator, developer, engineer, contractor, and Portage County Board of Commissioners.

11. FINAL STABILIZATION: Final stabilization is reached when all soil disturbing activities at the site are complete and a uniform perennial vegetative cover with a density of at least 70% cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion.

B. POST-CONSTRUCTION WATER QUALITY PRACTICES

1. NON-STRUCTURAL WATER QUALITY PRACTICES: Non-structural post-construction best management practices include preservation, planning or procedures that protect sensitive natural areas, direct development away from water resources, and limit the creation of impervious surfaces. Examples of such practices include: conservation easements, riparian and wetland setbacks, conservation subdivision design, and low impact development design.
    a. All non-structural water quality practices must be protected from disturbance through the construction phase of the project.
    b. All non-structural water quality practices must be protected in perpetuity through the use of appropriate legal tools. All easement or conservation areas must appear on the final plat and be disclosed to potential buyers.
    c. All non-structural post-construction water quality practices must have a maintenance agreement with an inspection schedule that details the maintenance types and methods to be used. The agreement must also identify the responsible party and include a detailed funding mechanism.

2. STRUCTURAL WATER QUALITY PRACTICES: Structural post-construction practices are permanent features designed and constructed to provide treatment of storm water runoff either through storage, infiltration, or filtration. They must be capable of treating the Water Quality Volume with target drain times as defined in Ohio EPA's Construction General permit for all sites greater than or equal to 2 acres. Examples of such practices include: wet extended detention basins, dry extended detention basins, constructed extended detention wetlands, permeable pavement

(extended detention or infiltration), underground storage (extended detention or infiltration), sand and other media filtration, bioretention cells, and infiltration trenches or basins.

a. All structural water quality practices must be installed prior to the completion of the project. Structural water quality practices should be made functional once the disturbed areas on site are stabilized. If detention/retention facilities were used for sediment control during development, sediments must be removed prior to the basin being used for post-construction storm water quality.
b. All structural post-construction water quality practices must have a maintenance agreement with an inspection schedule that details the maintenance types and methods to be used. The agreement must also identify the responsible party and include a detailed funding mechanism.

These performance standards are general guidelines and shall not limit the right of the Portage County Board of Commissioners to impose in the future additional, more stringent requirements, nor shall the standards limit the right of the Portage County Board of Commissioners to waive, in writing, individual requirements.

VIII. EASEMENTS

Future access to floodplains, flood control facilities, runoff drainage ditches and channels, runoff storage facilities, storm sewers and other drainage ways and structures, as required by the Portage County Board of Commissioners, shall be secured by means of easements.

A. The easements shall be recorded in the name of the Portage County Board of Commissioners and, in single-family residential developments, the homeowners association.

B. Such easements shall be not less than thirty (30) feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Access easements of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility.

C. Access adjacent to storm water facilities shall consist of a minimum thirty (30) foot easement in the case of detention (dry) basins, and a minimum thirty (30) foot easement with a minimum thirty (30) foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.

D. Easements for the emergency flow ways shall be a minimum of thirty (30) feet in width, or larger if required by the Portage County Board of Commissioners.

E. Flood control or storm drainage easements containing underground facilities shall have a minimum width of thirty (30) feet.

F. The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics that would impede the flow of water, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan.

G. The easements shall connect to a public right-of-way with a minimum thirty (30) foot frontage along said public right-of-way.

IX. PERFORMANCE AND MAINTENANCE GUARANTEES

All permanent storm water, soil erosion, other wastes control, and water quality practices which involve or are to become public improvements or are to be publicly maintained or which are required to be constructed under the provisions of any federal, state or local storm water or soil erosion statute, law, rule or regulation, and as shown on any Improvement Plans and SWPPP submitted for approval, shall be constructed and completed within the time agreed upon, as required or as provided in such statute, law, rule or regulation, or a satisfactory Performance Guarantee, adequately secured, shall be furnished for their completion, in a manner as provided herein. A Maintenance Guarantee is to be provided for the above permanent improvements, and soil erosion, wastes controls, and water quality practices.

A. THE GUARANTEE: The guarantee for performance shall be secured by a cash escrow account established with a solvent financial organization. The Escrow Account will be used by PORTAGE COUNTY to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Portage County Board of Commissioners. Performance and Escrow Agreements shall be provided on forms approved by the Portage County Board of Commissioners. Maintenance Guarantees may be included in the original Performance Guarantee or as a separate surety bond.

B. No soil disturbing activities shall be permitted until a an Escrow Account has been posted to the satisfaction of the Portage County Board of Commissioners sufficient for Portage County Board of Commissioners to perform the obligations otherwise to be performed by the owner or person responsible for the development area as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The Performance Guarantee shall remain in effect until released by the PC BOC. The Guarantee shall insure completion of the required improvements in compliance with the approved Improvement plans and SWPPP. It also will not be released until all permit, inspection and other required fees have been paid in full.

C. Performance Guarantee: The furnishing of a performance guarantee will be maintained in an amount of not less than 120% of the estimate approved by the Portage County Board of Commissioners, of installation of the deferred improvements.

D. The PC Engineer may authorize the release of funds backing the Performance Guarantee, after receiving a written request, with copies of invoices to be paid by the funds released. After inspection, 90% of requested funds may be paid. The remaining 10% will be held until satisfactory completion and final inspection.

E. The developer will be considered to be in default of its guarantee if it fails to commence active and continuous construction within 1 calendar year of execution of the guarantee or fails to achieve

substantial completion of improvement within 2 calendar years of such date, unless otherwise provided by law, by agreement, or other requirement.

F. Maintenance Guarantee: If not included in the original performance guarantee, the developer must provide a separate Maintenance Guarantee, in the form of a cash escrow account or surety bond, in an amount equal to 20% of the estimate approved by the Portage County Board of Commissioners for the construction and, where necessary, removal of such practices. The maintenance guarantee for storm water, soil erosion, sediment, and other wastes control practices shall be maintained for a period of not less than two (2) years after final acceptance.

G. Time Extension: The Portage County Board of Commissioners may extend for cause the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.

H. Completion: Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the performance guarantee has been provided the owner shall notify the Portage County Board of Commissioners of this fact.

I. Inspection: The Portage County Board of Commissioners will not release the Escrow Account, Performance or Maintenance guarantees until Portage County has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.

J. Slow Release Devices: Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in single-family residential developments is when 90% of the homes are constructed with their lawns completely installed and any remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.

K. Release: The Construction Maintenance Guarantee shall not be released by Portage County Board of Commissioners until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.

L. As-Built Drawings: At the completion of the construction and before acceptance, the Developer's Engineer shall update the PC Engineer's set of mylar drawings, and if appropriate the SWPPP, including all permanent post-construction storm water management facilities, for permanent record, showing the locations, sizes and elevations as constructed.

M. The Portage County Board of Commissioners may, in its discretion and upon individual request of the Developer and/or Owner in connection with a submitted project or plan, accept an alternative form of security to guarantee performance of the obligations hereunder, provided a determination is made that such security will be adequate to meet the purposes of these requirements.

X. VIOLATIONS AND PENALTIES

A. No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these rules, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these rules, or knowingly use or cause or permit the use of any lands in violation of these rules or in violation of any permit granted under these rules.

B. Whenever the Portage County Board of Commissioners finds that a person has violated a prohibition or failed to meet a requirement of these rules in conjunction with a failure to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity; the Portage County Board of Commissioners may issue a stop work order to the responsible person. Upon receipt from the Portage County Board of Commissioners, of such a stop work order, such work shall immediately stop. The order shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Portage County Board of Commissioners may require that work be stopped upon verbal order pending issuance of the written order.

C. Notwithstanding the provisions of Paragraph B of this Section, whenever the Portage County Board of Commissioners finds that a person has violated any prohibition or failed to meet any requirement of these rules, the Portage County Board of Commissioners may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

    1. That violating practices or operations shall cease and desist;
    2. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
    3. Payment of a fine to cover administrative and remediation costs; and
    4. The implementation of source control or treatment BMPs.

D. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the Portage County Board of Commissioners may seek to have the work done by a designated governmental agency or a contractor, and the expenses charged to the violator.

E. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the Portage County Board of Commissioners may issue a second notice of violation, including any relevant updated information.

F. If, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the Portage County Board of Commissioners may issue a stop work order in accordance with R.C. 307.79. The conditions of the issuance of such stop work order shall be the same as those set forth in Paragraph B of this Section.

    1. In the case of any issuance of a stop work order under this section, the Portage County Board of Commissioners shall request, in writing, the Portage County Prosecuting Attorney to seek an

injunction or other appropriate relief in the court of common pleas, in accordance with Section XI of these rules.

2. The person to whom a stop work order is issued under this section may appeal the order to the Portage County Court of Common Pleas.

XI. INJUNCTIVE RELIEF

Notwithstanding the provisions of Section X of these rules, if a person has violated or continues to violate the provisions of these rules, the Portage County Board of Commissioners may request in writing that the Portage County Prosecutor's Office petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Each day of violation of any of these rules shall be considered a separate violation subject to a civil fine.

XII. APPLICATION PROCEDURES FOR STORM WATER POLLUTION PREVENTION PLANS:

A. One (1) paper copy and one (1) digital copy of the SWP3 and necessary data required by this regulation shall be submitted to the Portage County Board of Commissioners, or authorized representative or delegate, with text material being submitted on 8.5 by 11 inch paper and drawings on no larger than 24 by 36 inch sized paper. The SWP3 shall be prepared and signed by a Professional Engineer licensed to practice in the State of Ohio or a Certified Professional in Erosion and Sediment Control (CPESC).

B. The application must include a letter or report from the Portage Soil and Water Conservation District that states that the SWP3 has been reviewed for consistency with Ohio EPA and local regulations.

C. The SWP3 developed by the site owners and approved by Portage County Board of Commissioners in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed.

D. The Portage County Board of Commissioners shall review the SWP3 and supporting data, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the SWP3 as described above. A SWP3 rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised SWP3, another thirty (30) day review period shall begin.

E. Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plan(s) approval automatically expires

F. No soil disturbing activity shall begin before the SWP3 has been approved by the Portage County Board of Commissioners, or before all necessary local, county, state and federal permits have been granted to the owner or operator.

G. The Portage County Board of Commissioners will perform site inspections until the site reaches final stabilization as determined by the Portage County Board of Commissioners.

H. The Portage County Board of Commissioners may establish a fee schedule for the review of the SWP3, supporting storm water management calculations, and performance of site inspections. The fee schedule shall be maintained in the Portage County Board of Commissioners (or delegated agency's) office, and may be revised periodically. Approvals will not be granted until all outstanding fees are paid in full.

XIII. AMENDMENTS

A. These rules may be from time to time amended in accordance with procedure established under Ohio law.

B. The validity of any Storm Water Pollution Prevention Plan for a development area which was approved prior to the effective date of any amendment to these rules will not be affected by such amendment, provided that no changes to the Storm Water Pollution Prevention Plan, as approved, are introduced by the applicant, owner or owner's agent or representative.

C. No amendment to these rules shall be construed as abating any action now pending under, or by virtue of, prior existing Construction Site Sediment, Erosion, and Storm Water Management Rules, or as modifying, discontinuing, abating, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of Portage County under any section or provision of the rules existing at the time of the effective date of any amendment, or as vacating or annulling any rights obtained by any person by lawful action of Portage County except as otherwise expressly provided in these rules or amendments thereto.

XIV. DEFINITIONS, as used in these rules:

The following are definitions of terms used throughout these rules and are controlling herein; if a term is not defined herein, unless otherwise provided in these rules the intended meaning of the term will be the same as in the then-current Portage County Subdivision Rules and Regulations, or if not defined therein, then the then-current Ohio EPA General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the NPDES.

BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures and other management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant and /or construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

CHANNEL: A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

CHECK DAM: Small, temporary stone dams constructed across a swale or drainage ditch.

CONSERVATION: The wise use and management of natural resources.

DETENTION BASIN: A storm water management pond that remains dry between storm events. Storm water management ponds include a properly engineered/designed volume which is dedicated to the temporary storage and slow release of runoff waters.

DEVELOPMENT AREA: Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.

DISTURBANCE: Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

DITCH: An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.

EARTH DISTURBING ACTIVITY: Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

EARTH MATERIAL: Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

EROSION: The process by which the land surface is worn away by the action of water, wind, ice or gravity.

EXISTING: In existence at the time of the passage of these regulations.

FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover (e.g. evenly distributed, without large bare areas) with a density of at least 70% coverage for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent future erosion.

GENERAL CONTRACTOR: The primary individual or company responsible to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.

GRADING: Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

GRUBBING: Removing, clearing or scalping material such as roots, stumps or sod.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

LANDSLIDE: The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

MAINTENANCE GUARANTEE: An agreement between the Developer and Portage County, financially backed by the Developer, guaranteeing the maintenance of physical improvements for a period defined by these regulations or the appropriate authority.

MAXIMUM EXTENT PRACTICABLE: The level of pollutant reduction that site owners of small MS4s regulated under the NPDES Phase II permit program must provide.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS): An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

NPDES PERMIT: A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the US EPA, and derived from the Federal Clean Water Act. The most current edition of the "General Permit Authorization for Storm Water Discharges Associated with Construction Activities" shall be used with this regulation.

OHIO EPA: The Ohio Environmental Protection Agency.

OHIO RAINWATER & LAND DEVELOPMENT MANUAL: Ohio's manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil and Water Conservation. The most current edition of these standards shall be used with this regulation.

OWNER OR OPERATOR: Responsible party for any facility or activity subject to regulation under the NPDES program.

PERFORMANCE GUARANTEE: A financially backed security provided by a Developer and accepted by the County for the amount of estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the Developer's agreement.

PERMANENT STABILIZATION: The establishment of permanent vegetative, decorative landscape mulching, matting, sod, rip-rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.

PERSON: Any individual, corporation, partnership, firm, trust, commission, board, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, other legal entity, or an agent thereof.

PORTAGE COUNTY BOARD OF COMMISSIONERS (PC BOC): The board consisting of the duly elected commissioners of Portage County, or the Board's authorized representative or delegate, by direct employment or by contract.

REDEVELOPMENT: The demolition or removal of existing structures or land uses and construction of new ones.

RETENTION BASIN: A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

RIPARIAN AREA: Transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs, and surrounding vegetation which, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, increase stream shading, enhance wildlife habitat, or which performs other functions consistent with the purposes of these regulations.

RIPARIAN SETBACK: Those vegetated lands which are alongside streams where earth disturbing activities will not take place and natural vegetation will not be removed.

RUN-OFF: Rainfall, Snowmelt, or Irrigation Water that has not evaporated or infiltrated into the soil but flows over the ground surface.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

SEDIMENT SETTLING POND: A sediment trap, sediment basin, or permanent basin that has been temporally modified for sediment control, as described in the latest edition of the Ohio Rainfall and Development Manual. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water, thereby protecting the water quality of a nearby stream, river, lake or bay.

SEDIMENT CONTROL: The limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.

SEDIMENT POLLUTION: A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

SENSITIVE NATURAL AREA: An area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state. It may also be referred to as a critical natural area.

SOIL: Unconsolidated erodible earth material consisting of minerals and/or organics.

SOIL EROSION AND SEDIMENT CONTROL PRACTICES: Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

SOIL STABILIZATION: Vegetative or structural soil cover that controls erosion, and includes permanent and temporary seeding, mulch, sod, pavement, etc.

SOIL SURVEY: The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

STORM WATER: That portion of run-off that flows from the land surface of a site either naturally, in man – made ditches, or in a closed conduit system.

STORM WATER CONVEYANCE: All storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

STORM WATER MANAGEMENT FACILITY: Any structure, natural or man-made, that due to its condition, design, or construction, conveys, stores, or otherwise, affects storm water runoff. Typical storm water management facilities include, but are not limited to, detention and retention basins or ponds, open channels, storm sewers, pipes and infiltration structures.

STORM WATER POLLUTION PREVENTION PLAN (SWP3): A plan prepared in accordance with appropriate guidelines that is required by the Ohio EPA for any facility or development that discharges storm water. The SWPPP identifies potential pollution sources and describes practices that will be implemented to prevent or control pollutant releases.

STREAM: A body of water running or flowing on the earth's surface, or a channel with a defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.

SWCD: Soil & Water Conservation District.

TEMPORARY STABILIZATION: The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.

UNSTABLE SOIL: A portion of land surface or area which is prone to slipping, sloughing or landslides, or is identified by Natural Resources Conservation Service methodology as having low soil strength.

USEPA: The United States Environmental Protection Agency.

WATERCOURSE: Any natural, perennial, or intermittent channel with a defined bed and banks, stream, river or brook.

WATER QUALITY VOLUME: The volume of storm water runoff that must be captured and treated prior to discharge from the developed site after construction is complete.

WATER RESOURCES: All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Codified Federal Register (CFR) 232, as amended). Wetlands shall be delineated by a site survey approved by PORTAGE COUNTY using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.

WETLAND SETBACK: Those lands adjacent to wetlands where earth disturbing activities will not take place and natural vegetation will not be removed.

WINTER: October 1st to April 1st of each year.